

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EPICUREAN DEVELOPMENTS, L.L.C., and
THE CLUB AT 4200, L.L.C.,

Case No. 16-10609

Plaintiffs,

Honorable John Corbett O'Meara

v.

SUMMIT TOWNSHIP,

Defendant.

ORDER OF PARTIAL DISMISSAL

Plaintiffs Epicurean Developments and The Club at 4200 recently filed a seven-count complaint in this court alleging the following cause of action: Count I and II, violations of 42 U.S.C. § 1983; Count III, business defamation and defamation *per se*; Count IV, inverse condemnation; Count V, breach of contract; Count VI, breach of implied contract; and Count VII, tortious interference.

Although Counts I and II are cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in Counts III, IV, V, VI and VII are based solely on state law. The parties to this action are not diverse. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 282 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

ORDER

It is hereby **ORDERED** that Counts III, IV, V, VI and VII are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: March 18, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 18, 2016, using the ECF system.

s/William Barkholz
Case Manager